

REMARKS

Reconsideration of this application is respectfully requested. Claims 1, 5, 9, 15, 19, 21, 23, 24, 25 and 26 have been amended; and claims 3, 4, 6, 7, 8, 16, 17, 18, 20 and 22 have been canceled. As such, claims 1, 2, 5, 9-15, 19, 21, and 23-27 are in this application and are presented for the Examiner's consideration in view of the following comments.

In view of the amendments to independent claims 1 and 15 (described below), claims 6, 7, 16, 17, and 20 have been canceled without regard to their rejection on other grounds. In addition, claims 5, 9, 19, 21, 23, 24, 25 and 26 have been amended to conform to the amendments to their respective independent claims.

Claims 1-16, 19, 24 and 27 have been rejected on the grounds of provisional nonstatutory obviousness-type double patenting based on Applicants' co-pending U.S. Patent Application No. 10/543,045 in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to Yun. Applicants request deferral of this provisional rejection until such time as U.S. Patent Application No. 10/543,045 is allowed and the present application has allowable subject matter.

Claims 1-4, 10 and 15-17 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,535,717 issued March 18, 2003 to Matsushima et al. (*Matsushima*). Applicants respectfully disagree. As noted above, claims 16 and 17 have been canceled without regard to this rejection.

With respect to Applicants' independent claim 15, all the requirements of claim 15 are not described in, or suggested, by *Matsushima*.

First, Applicants' claim 15 requires, in part (emphasis added):

a decoder, coupled to the demultiplexer and responsive to the error representative signal, for reproducing a content representative signal at a selectable desired quality.

Nowhere does *Matsushima* describe, or suggest, such a decoder. In particular, decoding means 15a and 15b of *Matsushima* are not responsive to an error representative signal as required by Applicants' claim 15. Indeed, decoding means 15a and 15b *Matsushima* don't even receive the error signal as is clearly shown in FIGs. 6 and 7 of *Matsushima*. As such, *Matsushima* does not describe, or show, a decoder,

coupled to the demultiplexer and responsive to the error representative signal as required by Applicants' claim 15.

Second, Applicants' claim 15 also requires, in part (emphasis added):

a decoder, coupled to the demultiplexer and responsive to the error representative signal, for reproducing a content representative signal **at a selectable desired quality**.

Nowhere does *Matsushima* describe a decoder responsive to the error representative signal for reproducing a content representative signal at a selectable **desired quality**. In fact, it should be noted that it is not possible to select the **desired quality** of the signal in the apparatus described in *Matsushima*. In particular, while the apparatus described in *Matsushima* selects the signal LQ (n-1) – the selected signal depends on the “seriousness of the receiving trouble” – **not the **desired quality****. (*Matsushima*, col. 20, lns. 1-8.) In fact, col. 10, ln. 58 to col. 11, ln. 6 of *Matsushima* states:

[t]he mode determining means 16 determines which of a normal receiving mode and a broadcast hindrance mode takes place. The normal receiving mode means that the high quality signal is successfully received, so that the broadcast program can be satisfactorily reproduced. The broadcast hindrance mode means that the high quality signal is not successfully received, so that the broadcast program cannot be reproduced from the high quality signal. When the mode determining means 16 determines that the normal receiving mode takes place, then the reproducing means 19 selects the high quality signal for reproduction. Conversely, when the mode determining means 16 determines that the broadcast hindrance mode takes place, then the reproducing means 19 selects the low quality signal for reproduction. In order to accomplish the above operation, the reproducing means includes delaying means 17 and selecting means 18.

Matsushima, col. 10, ln. 58 to col. 11, ln. 6, emphasis added.

As described above, it is not possible in *Matsushima* to select the low quality signal as the desired quality in normal receiving mode – only the high quality signal is selected. Thus, *Matsushima* does not describe a decoder responsive to the error representative signal for reproducing a content representative signal at a selectable **desired quality** as required by Applicants' claim 15. (Applicants' specification, p. 35, ln. 23 to p. 36, ln. 2.)

Applicants note that the Examiner points to col. 10, lns. 32-40, 46-65, and col. 11, lns. 36-60 of *Matsushima*, as support for the “selectable desired quality” of Applicants’ claim 15. However, none of these portions of *Matsushima* describe or suggest a selectable desired quality as claimed by Applicants. In contrast, col. 10, lns. 46-65, of *Matsushima* cited by the Examiner states:

[t]he mode determining means 16 determines which of a normal receiving mode and a broadcast hindrance mode takes place. The **normal receiving mode** means that the high quality signal is successfully received, so that the broadcast program can be satisfactorily reproduced. The **broadcast hindrance mode** means that the high quality signal is not successfully received, so that the broadcast program cannot be reproduced from the high quality signal.

Matsushima, col. 10, 46-65, emphasis added.

Again, as described in the above-underlined portion of *Matsushima* – there is no selectable **desired** quality as claimed by Applicants. In particular, in *Matsushima*, the high quality signal is always selected if the receiver is in normal receiving mode. Likewise, in *Matsushima*, the low quality signal is always selected if the receiver is in broadcast hindrance mode. There is simply no selectable **desired** quality as claimed by Applicants. In other words, it is not possible in *Matsushima* to select the low quality signal as the **desired** quality. Even if received, the low quality signal is not used in the normal receiving mode of *Matsushima*.

However, and in the interests of furthering prosecution, Applicants have amended claim 15 to include some of the requirements of previous claims 18 and 22 (both now canceled) to make clear Applicants’ claimed “a selectable desired quality” feature. In particular, claim 15 now requires

wherein the composite signal further includes a signal carrying information about respective qualities of the encoded set of signals; and

wherein the decoder further comprises circuitry for storing preset selection parameters, and for automatically selecting the content representative signal at the desired quality in response to the selection parameters.

Applicants respectfully submit that none of these requirements are described, or suggested, in *Matsushima*. Nowhere does it appear that *Matsushima* describes a signal that carries information about the respective qualities of the encoded set of signals as claimed by Applicants. In addition, nowhere does it appear that *Matsushima* describes decoder circuitry for storing preset selection parameters, and for automatically selecting the content representative signal at the desired quality in response to the selection parameters.

In this regard, Applicants note that the Examiner appears to state that the normal receiving mode and the broadcast receiving mode of *Matsushima* are selection parameters. Respectively, the Examiner is wrong. As stated in *Matsushima*:

[t]he mode determining means 16 determines which of a normal receiving mode and a broadcast hindrance mode takes place.

Matsushima, col. 10, lns. 58-60; emphasis added.

Thus, the normal receiving mode and the broadcast hindrance mode of *Matsushima* are not selection parameters – they are “states” of reception. Indeed, one skilled in the art would not consider the phrase “broadcast hindrance mode” to be a parameter – it has no value – it represents a “state” of the receiver.

In view of the above, *Matsushima* does not describe the requirements of Applicants’ independent claim 15.

Similar comments apply to Applicants independent claim 1. In particular, Applicants’ claim 1 recites in part:

extracting the set of encoded signals from the composite signal;

detecting errors in the set of extracted encoded signals to produce a subset of available extracted encoded signals which are not erroneous; and

decoding a content representative signal at a selectable desired quality.

Matsushima fails to teach or suggest such a series of processing steps as claimed by Applicants. In contrast to Applicants’ claimed invention, Fig. 6 of *Matsushima* shows first decoding multiple signals, and then selecting one of the decoded signals for

output, instead of decoding (only) a subset of extracted signals that were selected in response to error detecting – as is recited by Applicants’ independent claim 1.

In addition, and like Applicants’ claim 15, it should be noted that it is not possible to select the desired quality in the method described in *Matsushima*. In particular, the method described in *Matsushima* selects the quality signal LQ (n-1) depending on the seriousness of the receiving trouble. (*Matsushima*, col. 20, lns. 1-8.) Thus, *Matsushima* does not describe decoding the selected subset of encoded signals to produce a content representative signal at a selectable desired quality as required by required by Applicants’ claim 1. (Applicants’ specification, p. 35, ln. 23 to p. 36, ln. 2.)

Finally, and in the interests of furthering prosecution, Applicants have amended claim 1 to include the requirements of previous claims 3, 4 and 8 (all now canceled) to make clear Applicants’ claimed “a selectable desired quality” feature. In particular, claim 1 now requires

wherein the step of generating a composite signal comprises the step of further including a signal carrying the information about the respective qualities of the encoded set of signals;

wherein the decoding step comprises the step of selecting the content representative signal at the desired quality automatically;
and

wherein the step of selecting the desired quality automatically comprises the step of selecting the desired quality in response to preset selection parameters.

Applicants respectfully submit that none of these requirements are described, or suggested, in *Matsushima* for reasons similar to those stated for Applicants’ claim 15. Nowhere does it appear that *Matsushima* describes a signal that carries information about the respective qualities of the encoded set of signals as claimed by Applicants. In addition, nowhere does it appear that *Matsushima* describes as a part of the decoding step selecting the content representative signal at the desired quality automatically; wherein the step of selecting the desired quality automatically comprises the step of selecting the desired quality in response to preset selection parameters.

In view of the above, *Matsushima* also does not describe Applicants' independent claim 1. Consequently, Applicants claims 2 and 10 are also not anticipated by *Matsushima*.

Claims 5-9 and 18-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to Yun. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 15.

Claims 11-14 and 24-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of in view of U.S. Patent Publication 2002/0181581 published December 5, 2002 to Birru et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 15.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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